



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 24, 2005

Robert Roy
273 Derry Rd
Litchfield NH 03052

LETTER OF DEFICIENCY #WELL - 05-02

Subject: Well and Pump System Installation at 10 Eagle Ledge Rd, Meredith, NH

Dear Mr. Roy:

The New Hampshire Department of Environmental Services ("DES") conducted an on-site inspection on January 11, 2005, of the well constructed at 10 Eagle Ledge Rd, Meredith, NH. The inspection was conducted in response to a complaint received by DES from Danny Brough regarding alleged code violations associated with a well pump installed by the owner of the property, Robert Roy, an unlicensed pump installer. A review of the Water Well Board's records confirmed that you are not a licensed pump installer in the State of New Hampshire.

RSA 482-B regulates water well contractors and pump installers and establishes the NH Water Well Board ("Board"). Pursuant to rulemaking authority conferred by RSA 482-B:4, the Board has adopted rules to implement this regulatory program (New Hampshire Administrative Rules We 100 to 1000 (*Water Well Rules*)). Under RSA 482-B:8 and :16, DES has concurrent authority with the Board to enforce RSA 482-B and the Water Well Rules.

RSA 482-B:5, I, requires a person to obtain a water well contractor license or a pump installer license from the Board prior to engaging in the business of constructing a well or installing a pump, respectively. Under RSA 482-B:12, a person may construct a well on the person's own or leased property if the waters to be produced are not intended for use by the public or by any persons in any residence other than the person's own permanent residence. Such person shall ... comply with any applicable rules.

Under section 12 above, a person may install the pumping system associated with the well if the water supplies the persons own permanent residence. This statutory exemption for home owners does not apply to an owner constructing a home with the intent to sell, commonly known as a "spec house".

For your information, RSA 482-B:16, IV, the section of the state law concerning penalties, reads as follows:

IV. Any person shall be guilty of a misdemeanor who knowingly:

(a) Engages in water well construction or pump installation or offers to engage in water well construction or pump installation or advertises or holds oneself out or acts temporarily or otherwise as a water well contractor or pump installer without first having obtained the required license under RSA 482-B:5.

In addition, DES is authorized by law to levy an administrative fine for violations of RSA 482-B and the rules of the Water Well Board. The administrative fine for installing a pump without the required pump installer license is \$2,000 per violation.

An inspection of the well and pump system, which was visible at the time of inspection, indicated the following deficiencies:

1. The well cover does not provide an o-ring, gasket, other seal to prevent the entrance of insects or other foreign matter into the well in accordance with the provisions of We 702.05(d), of the *Water Well Rules*. In addition, the 3/4 inch grey electrical conduit is not mechanically secured to the well cover to protect the wire and seal the wellhead.
2. The temporarily installed #10 AWG, 3 wire w/ground submersible pump cable is draped over the ground from the temporary electrical service panel at the street to the well. The cable is not secured and is subject to physical damage in violation of the National Electrical Code 2002, Article 527 Temporary Installations.

DES believes these deficiencies can be corrected as follows:

1. **By May 1, 2005**, replace the well cover with a code compliant cover and mechanically secure the pump wire electrical conduit to the well cover.
2. **Immediately, or no less than 14 days of receipt of this notice**, physically disconnect the temporary submersible pump cable from the temporary electrical service panel at the street.
3. Notify DES, in writing, that the corrections have been completed.

If you intend to re-connect the temporary submersible pump cable in the Spring, the cable must be encased in a raceway(electrical conduit) from the temporary service panel to the well if TW wire, or the cable must be buried below the ground surface if UF cable.

If you have any questions regarding this letter, please call Rick Schofield at 271-1974 or contact by e-mail at rschofield@des.state.nh.us.

Please send all correspondence made in connection with this letter to: Richard Schofield, Department of Environmental Services, Water Supply Engineering Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

Very truly yours,

COPY

Sarah Pillsbury, Administrator
Water Supply Engineering Bureau

Certified Mail

cc: Danny Brough
Michael Capsalis, State Plumbing Inspector
Kerry Barnsley, Compliance Attorney
Water Well Board